

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.L.F. and E.F., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELANIE WILLIAMS,

Respondent-Appellant,

and

JAMES FRANKS,

Respondent-Not Participating.

UNPUBLISHED

March 11, 2003

No. 243696

Ogemaw Circuit Court

Family Division

LC No. 01-011706-NA

Before: Whitbeck, C.J., and Cavanagh and Bandstra, JJ.

MEMORANDUM.

Respondent-appellant (respondent) appeals as of right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent first argues that the trial court should be reversed because the termination of her parental rights was not proper under MCR 5.974. Respondent did not raise this issue below and so it is not preserved for our review. In any event, respondent's argument is without merit because, contrary to respondent's claims and consistent with MCR 5.974(E), the supplemental petition sought termination on the basis of new or different circumstances compared to the original offense. Further, contrary to respondent's claims and consistent with MCR 5.974(F), the children were in foster care in the temporary custody of the court at the time the supplemental petition seeking termination of her parental rights was filed.

We also conclude that the trial court did not clearly err in finding that the statutory grounds for termination were supported by clear and convincing evidence. See MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Further, the evidence did not show that

termination of respondent's parental rights was clearly not in the children's best interests. See MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The evidence established that, despite intensive services, respondent failed to protect the children by allowing their biological father, who was a dangerous and abusive individual, to visit the children after he released his parental rights. Although respondent disputes that the contact occurred, we will not disturb the trial court's findings on this credibility issue. See *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991). Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ William C. Whitbeck

/s/ Mark J. Cavanagh

/s/ Richard A. Bandstra